

E-272, 125/SA-90-260; E-272, 125/SA-90-484; E-272, 125/SA-90-527
ORDER DISMISSING SERVICE BOUNDARY APPLICATIONS AND CLOSING
DOCKETS

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm
Thomas Burton
Cynthia A. Kitlinski
Dee Knaak
Norma McKanna

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of a Service Area
Application by the City of
Marshall

ISSUE DATE: April 17, 1992

DOCKET NO. E-272, 125/SA-90-260

In the Matter of the Application
of the City of Marshall to
Adjust and Update the Assigned
Service and Area Maps to
Incorporate an Annexed Area
Presently Served by Marshall and
to Clarify Interim Service
Rights in Said Area

DOCKET NO. E-272, 125/SA-90-484

In the Matter of the Application
of Lyon-Lincoln Electric
Cooperative to Determine
Appropriate Compensation to be
Paid by the City Of Marshall for
Extending Facilities and Serving
Customers Within the Assigned
Service Area of Lyon-Lincoln
Electric Cooperative

DOCKET NO. E-272, 125/SA-90-527

ORDER DISMISSING SERVICE
BOUNDARY APPLICATIONS AND
CLOSING DOCKETS

PROCEDURAL HISTORY

On April 13, 1990, the City of Marshall (the City) filed an application to adjust service territory boundaries involving service to the Edward D. Jones Company. The matter was assigned Docket No. E-272, 125/SA-90-260.

On June 28, 1990, the City filed another application to adjust service territory boundaries, this one involving service to the Minnesota Department of Transportation's garage expansion. This matter was assigned Docket No. E-272, 125/SA-90-484.

On July 19, 1990, Lyon-Lincoln Electric Cooperative (the Cooperative) file a request that the Commission fix the level of compensation that the City would be required to pay the Cooperative in connection with these boundary changes.

On July 31, 1990 the Commission issued its ORDER GRANTING INTERIM SERVICE RIGHTS TO THE CITY OF MARSHALL in this assigned service area dispute. That Order resolved interim service rights issues.

On August 7, 1990 the Commission issued its NOTICE AND ORDER FOR HEARING. That Order referred compensation issues to the Office of Administrative Hearings (OAH) for contested case proceedings. On August 8, 1990 the Department of Public Service (the Department) filed a petition for reconsideration of the July 31 Order.

On August 17, 1990, the Cooperative filed a petition for reconsideration of the July 31 Order and a reply to the Department's petition.

On August 20 the City filed a petition for reconsideration of both the July 31 and August 7 Orders.

The City and the Cooperative also stated they are engaged in negotiations to resolve all their outstanding service area disputes, including the one at issue here. They asked the Commission to postpone further action in this docket until negotiations have been concluded. The Department did not oppose this request.

On August 28, 1990, the Commission granted the City and Cooperative's request for a postponement. In its ORDER GRANTING PETITIONS FOR RECONSIDERATION in the 484 docket, the Commission ordered the City and the Cooperative to notify the Commission to notify the Commission, at the conclusion of their settlement talks, regarding the outcome of their negotiations.

On October 25, 1991, the City and the Cooperative filed a joint petition requesting Commission approval of their settlement agreement.

On January 21, 1992, the Commission issued an Order in preparation of giving notice of a hearing on this matter. The Commission directed the City and the Cooperative to file within 15 days a list containing the names and addresses of all property owners and customers, inside and outside the Marshall city limits, that would be affected by the proposed boundary changes as well as the addresses and names of the appropriate officials to be notified for the municipality, county and each township in which the proposed changes would take place.

On January 29, 1992, the City and the Cooperative jointly filed the list of persons to be served pursuant to the Commission's January 21, 1992 Order.

On March 18, 1992, the Commission sent notice of the time, place, and purpose of the Commission's April 7, 1992 meeting on this matter to all parties identified in the parties' January 29, 1992 filing.

On April 7, 1992, the Commission met to consider this matter.

FINDINGS AND CONCLUSIONS

By Order in the separate docket created to review the City and Cooperative's settlement proposal, the Commission approved that settlement. In the Matter of a Petition of Lyon-Lincoln Electric Cooperative and Marshall Municipal Utilities to Adjust Their Mutual Service-Territory Boundary, E-272, 125/SA-91-829, ORDER APPROVING SETTLEMENT OF SERVICE-TERRITORY BOUNDARY DISPUTE (April 15, 1992).

In the settlement document, the parties stated their intention that their settlement resolve all their outstanding disputes and to avoid present and future judicial and administrative proceedings. The parties stipulated that if the Commission approved the settlement document they would cause all pending administrative proceedings before the Commission and court actions before the District Court to be dismissed.

To expedite closure on the administrative matters, the Commission will not require the parties make separate application for dismissal of their proceedings before the Commission. Without further showing from the parties, the Commission finds that the issues that gave rise to the three above-referenced dockets have been resolved. No dispute exists between the parties with respect to these dockets that requires the Commission's attention. Accordingly, the Commission will dismiss the parties' applications in the dockets joined in this Order and close those dockets.

ORDER

1. The applications for service boundary changes filed by the City of Marshall on April 13 and June 28, 1990 and the application for compensation filed by the Lyon-Lincoln Electric Cooperative on July 19, 1990 are dismissed.
2. The dockets established for those applications (E-272, 125/SA-90-260, E-272, 125/SA-90-484, and E-272, 125/SA-90-527) are closed.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)